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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,604	02/23/2004	Heather Gillis	20518/56 (1833K)	8303

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Tyco Healthcare Group LP
15 Hampshire Street
Mansfield,, MA 02048

EXAMINER

THANH, QUANG D

ART UNIT	PAPER NUMBER
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3764

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

88

Office Action Summary	Application No.	Applicant(s)	
	10/784,604	GILLIS ET AL.	
	Examiner	Art Unit	
	Quang D. Thanh	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date <u>8/9/04; 5/31/05; 7/18/05</u></p> | <p>4) <input type="checkbox"/> Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____</p> <p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6) <input type="checkbox"/> Other: _____</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on p. 7, lines 7-27, US Patent Application Serial Numbers of co-pending applications have not been provided. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1- 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Rutt et al. (6,592,534).
4. Re claims 1-5, Rutt discloses a compression apparatus (fig. 2) comprising: an expandable body (including 14,16, 18 and 30 as shown in fig. 2) configured for disposal about a foot (fig. 1); a strap 22 (including 48) extending from the body (fig. 2), the strap being configured for disposal about the foot adjacent an ankle (fig. 1), wherein the strap has a first layer 54/52 configured to engage an outer surface of the foot adjacent the

Art Unit: 3764

ankle, a second layer 24 and a third cushion layer 50 disposed therebetween (best seen in fig. 4) ; wherein the strap is integrally connected to the body (fig. 2); wherein the strap is monolithically formed with the body (fig. 2); wherein the body includes the first layer 42 (equivalent of layer 54, figs., 3-4) and the second layer 24 (fig. 4);

5. Re claim 6, Rutt discloses a compression apparatus (fig. 2) comprising: an expandable body (including 14,16, and 30 as shown in fig. 2) configured for disposal about a foot (fig. 1); a strap 18 (including 46) extending from the body (fig. 2), the strap being configured for disposal about the foot adjacent an ankle (fig. 1), wherein the strap has a first layer 54/52 configured to engage an outer surface of the foot adjacent the ankle, a second layer 24 and a third cushion layer 50 disposed therebetween (best seen in fig. 4); wherein the strap 18 has a segmented configuration (two segments 20, fig. 2) for contour with the foot;

6. Re claims 7- 15, Rutt discloses the third cushion layer 50 is disposed within the first layer and the second layer such that the first layer and the second layer are configured to provide a barrier to the third cushion layer 50 (best seen in fig. 4); wherein the body includes a metatarsal strap 18 (fig. 2); wherein the first layer includes layer 54 of a soft material ("fabric material", col. 4, lines 38-39) and a flexible film 52 ("urethane film", col. 4, lines 35-37); wherein the third cushion layer 50 includes a foam material ("urethane foam", col. 4, lines 35-36); wherein the second layer includes a flexible film (thin rayon-based fibrous material, col. 3, lines 54-60) and an outer surface having a loop material disposed therewith (col. 3, lines 59-61); wherein the second layer 24 has an outer surface including a loop material such that the metatarsal strap 18 includes

hook elements 26 that are engageable with the loop material to mount the expandable body with the foot (figs. 1-2); wherein the body includes a metatarsal strap 18 having hook elements 26 (fig. 2) that are engageable with the loop material to mount the expandable body with the foot.

7. Re claims 16-19, Rutt discloses a compression apparatus comprising: a foot sleeve 14/16 including an inflatable body 30 configured for disposal about a foot, the foot sleeve including a metatarsal portion 16 (fig. 2); a strap 18 (including 46) integrally connected to the foot sleeve and extending therefrom, the strap 18 being configured for disposal about the foot adjacent an ankle (fig. 1), wherein the strap has a first layer 54 configured to engage an outer surface of the foot adjacent the ankle, a second layer 24 and a third cushion layer 50 disposed therebetween such that the first layer and the second layer are configured to provide a barrier to the third cushion layer (fig. 4); wherein the first layer is configured to prevent engagement of the third cushion layer with the outer surface of the foot (fig. 4); wherein the third cushion layer 50 includes a foam material ("urethane foam", col. 4, lines 35-36); wherein the strap has a segmented configuration (two segments 20, fig. 2) for contour with the foot.

8. Re claims 20-21, Rutt discloses a compression apparatus comprising: a foot sleeve including an inflatable bladder 30 configured for disposal about a foot, the foot sleeve including a metatarsal portion 18 that overlies the foot; a strap 22 (including 48) integrally connected to the foot sleeve and extending therefrom, the strap being configured for disposal about the foot adjacent an ankle (fig. 1), wherein the strap has a foot contact layer 54 including a soft material that is configured to engage an outer

Art Unit: 3764

surface of the foot adjacent the ankle, an outer layer 24 and a cushion layer 50 including foam material disposed therebetween such that the foot contact layer and the outer layer 24 are configured to provide a barrier to the cushion layer 50, the outer layer 24 having an outer surface including a loop material (col. 3, lines 59-61) such that the metatarsal portion includes hook elements 26 that are engageable with the loop material to mount the foot sleeve with the foot; wherein the compression apparatus includes a plurality of straps 20 extending from the body (fig. 2).

9. Re claims 22-23, Rutt discloses a compression apparatus comprising: an expandable body 14 configured for disposal about a foot, the expandable body including a top layer 42 and a bottom layer 24 (fig. 3); and a strap member 18 (including 46) extending from the expandable body (fig. 2), wherein a portion of the strap member is disposed between the top and bottom layers of the expandable body (best seen in figs. 2-4); wherein the strap member includes a plurality of layers, whereby the plurality of layers comprises an interiorly disposed cushion layer 50 (fig. 4).

10. Claims 1-5, 7-9, 11-18, 20-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook (5,354,260).

11. Re claims 1-5, Cook discloses a compression apparatus (fig. 1) comprising: an expandable body 10 (including 14 as shown in fig. 1) configured for disposal about a foot (fig. 1); a strap 32 extending from the body (fig. 1), the strap being configured for disposal about the foot adjacent an ankle (fig. 1), wherein the strap has a first layer 11

configured to engage an outer surface of the foot adjacent the ankle, a second layer 12 and a third cushion layer 35 disposed therebetween (best seen in fig. 5) ; wherein the strap is integrally connected to the body (fig. 1); wherein the strap is monolithically formed with the body (fig. 1); wherein the body includes the first layer 11 and the second layer 12 (fig.5).

12. Re claims 7- 9 and 11-15, Cook discloses the third cushion layer 35 is disposed within the first layer and the second layer such that the first layer and the second layer are configured to provide a barrier to the third cushion layer 50 (best seen in fig. 5); wherein the body includes a metatarsal strap (strap including 30 near 26 in fig. 1); wherein the first layer includes layer 11 of a soft material ("nylon", col. 4, lines 10-20); wherein the third cushion layer 35 includes a foam material ("foamed polyurethane compound", col. 4, lines 10-20); wherein the second layer includes a flexible film ("nylon", col. 4, lines 10-20) and an outer surface having a loop material ("nylon ...detachably secured to the hook material", col. 3, lines 10-20); wherein the second layer 12 has an outer surface including a loop material such that the metatarsal strap includes hook elements 30 that are engageable with the loop material to mount the expandable body with the foot (fig. 1); wherein the body includes a metatarsal strap having hook element 30 (fig. 2) that are engageable with the loop material to mount the expandable body with the foot.

13. Re claims 16-18, Cook discloses a compression apparatus comprising: a foot sleeve including an inflatable body 14 configured for disposal about a foot, the foot sleeve including a metatarsal portion 26 (fig. 1); a strap 32 integrally connected to the

Art Unit: 3764

foot sleeve and extending therefrom, the strap 32 being configured for disposal about the foot adjacent an ankle (fig. 1), wherein the strap has a first layer 11 configured to engage an outer surface of the foot adjacent the ankle, a second layer 12 and a third cushion layer 35 disposed therebetween such that the first layer and the second layer are configured to provide a barrier to the third cushion layer (fig. 5); wherein the first layer is configured to prevent engagement of the third cushion layer with the outer surface of the foot (fig. 5); wherein the third cushion layer 35 includes a foam material ("foamed polyurethane compound", col. 4, lines 10-20).

14. Re claims 20-21, Cook discloses a compression apparatus comprising: a foot sleeve including an inflatable bladder 14 configured for disposal about a foot, the foot sleeve including a metatarsal portion that overlies the foot; a strap 32 integrally connected to the foot sleeve and extending therefrom, the strap being configured for disposal about the foot adjacent an ankle (fig. 1), wherein the strap has a foot contact layer 11 including a soft material that is configured to engage an outer surface of the foot adjacent the ankle, an outer layer 12 and a cushion layer 35 including foam material disposed therebetween such that the foot contact layer and the outer layer 12 are configured to provide a barrier to the cushion layer 35, the outer layer 12 having an outer surface including a loop material (col. 3, lines 10-20); such that the metatarsal portion includes hook elements 30 that are engageable with the loop material to mount the foot sleeve with the foot; wherein the compression apparatus includes a plurality of straps 30 and 32 and extending from the body (fig. 1).

Art Unit: 3764


15. Re claims 22-23, Cook discloses a compression apparatus comprising: an expandable body configured for disposal about a foot, the expandable body including a top layer 11 and a bottom layer 12 (fig. 5); and a strap member 32 extending from the expandable body (fig. 1), wherein a portion of the strap member is disposed between the top and bottom layers of the expandable body (best seen in figs. 1, 3 and 5); wherein the strap member includes a plurality of layers, whereby the plurality of layers comprises an interiorly disposed cushion layer 35 (fig. 5).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang D. Thanh whose telephone number is (571) 272-4982. The examiner can normally be reached on Monday-Thursday & alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The Central FAX phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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